

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Claim 10 has been canceled without prejudice. Claims 1, 9, 11, 14, 15, and 24 have been amended. To conserve additional claim fees, claims 15 and 24 have been again rewritten as dependent claims. Claims 27 and 28 have been added. It is believed that new claims 27 and 28 are supported by the application as originally filed. For instance, support for claims 27 and 28 can be found in paragraphs [0030]-[0031] of the specification and FIGS. 2 and 9 of the drawings as well as elsewhere throughout the application. As a result of these amendments, claims 1-9 and 11-28 are currently pending and under consideration.

The Applicant wishes to thank the Examiner for indicating that claim 14 contained allowable subject matter on page 3 of the Office Action. In that regard, claim 14 has been rewritten into independent form. Consequently, it is believed that independent claim 14 is in condition for allowance.

Independent Claim 1

Independent claim 1 has been amended to generally incorporate selected features recited in claim 10. As a result, claim 10 has been canceled, and claims 9 and 11 have been amended. On page 2 of the Office Action, claim 10 was “rejected under 35 U.S.C. 102(b) as being anticipated by Gillingham et al.” However, it should be recognized that Gillingham fails to disclose all of the features now recited in claim 1, such as “the shipping seal including at least two seal members constructed and arranged to seal inside the fluid passage in the plunger, the at least two seal members extending from opposite sides of the shipping seal so that the shipping seal can be installed regardless of which side of the shipping seal faces the plunger.” As discussed on page 8 of the present application, having the two seal members extend in an opposite fashion allows the shipping seal to be easily installed because it eliminates the need to have a specific side of the shipping seal facing the plunger. Looking at FIG. 1 of Gillingham, the dispenser seal 31 has only a single standing plug 33 that seals the piston stem. By failing to disclose all of the features recited in claim 1, Gillingham does not anticipate claim 1. Moreover, the above-mentioned feature would not have been obvious in view of Gillingham because there would have been no motivation to arrive at the recited shipping seal except through

impermissible hindsight. Gillingham in fact teaches that the side opposite the standing plug 33 of the dispenser seal 31 should have a plurality of spaced legs 32 that define a ball cage for the inlet ball check valve (col. 3, ll. 15-21). As a result, there would have been no motivation to modify dispenser seal 31 of Gillingham to have a second, opposing standing plug 33 because it would destroy or at best significantly hamper the dispensing seal's 31 function as a ball cage. For these and other reasons, independent claim 1 and its dependent claims are allowable over the references of record.

Independent Claim 12

On page 2 of the Office Action, independent claim 12 was “rejected under 35 U.S.C. 102(b) as being anticipated by Gillingham et al.” Gillingham, however, does not anticipate claim 12 because it fails to disclose all of the features recited in claim 12. For example, Gillingham fails to expressly or inherently disclose “the fluid dispensing end portion being configured to extend outside the container when the fluid pump is coupled to the container” and “the flow channel of the shroud extending from the fluid intake end portion towards the fluid dispensing end portion, wherein the channel opening is located along the fluid pump between the inlet opening and the fluid dispensing end portion to increase evacuation efficiency of the fluid from the container” (emphasis added). In the Office Action, the depending sleeve 16 in Gillingham was purported to correspond to the recited shroud. Contrary to claim 1, the depending sleeve 16 and its dip tube in Gillingham “extends into the container interior” (col. 3, l. 5) and not towards the plunger head 34 that extends outside of the container. In other words, rather than having the opening of the dip tube located along the body of the pump dispenser 10, the dip tube opens well inside in the container. If for some reason the dispenser pump of Gillingham was inverted, it would be incapable of fully evacuating the container 12 because the dip tube would be located well inside the container 12. Considering that Gillingham fails to disclose all of the features recited in claim 12, it does not anticipate claim 12. For these and other reasons, claim 12 and its dependent claims are allowable over the references of record.

Independent Claim 18

Independent claim 18 was “rejected under 35 U.S.C. 102(b) as being anticipated by Gillingham et al.” However, it should be recognized that Gillingham fails to disclose all of the features now recited in claim 18. For instance, Gillingham fails to disclose or suggest “an inverted fluid dispensing pump”, “a fluid passage with a dispensing opening from which fluid is dispensed, wherein the dispensing opening faces downwards when installed”, and “an outlet valve disposed inside the fluid passage” as is recited in claim 18 (emphasis added). Clearly, the pump dispenser 10 in Gillingham is not an inverted dispensing pump, but rather, it is an upright pump. In fact, it is likely that the pump dispenser 10 would not operate properly in an inverted state because the ball check valves 38, 39 would not seal properly. Moreover, the dispenser pump 10 in Gillingham does not have a fluid passage with a dispensing opening that faces downwards. As can be seen in FIG. 1, the discharge spout 35 opens to the side, and not downwards. Thus, if the dispenser pump 10 of Gillingham was inverted, it still would not experience the dripping issues that face inverted dispensing pumps with downwardly facing openings where the fluid is dispensed because the discharge spout 35 of Gillingham faces sideways. For these and other reasons, independent claim 18 and its dependent claims are allowable over the references of record.

Independent Claim 27

In view of the indication that claim 14 contained allowable subject matter, new independent claim 27 has been amended in order to simplify the recitation of features from claim 14. Considering that claim 14 was allowable, it is likewise believed that new claim 27 and its dependent claim are allowable.

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

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